

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

HOUSE ENROLLED ACT No. 1069

AN ACT to amend the Indiana Code concerning human services.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 12-10.5-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) The division of disability, aging, and rehabilitative services established by IC 12-9-1-1 shall administer the caretaker support program established under this chapter.

(b) The division of disability, aging, and rehabilitative services shall do the following:

- (1) **Subject to section 9 of this chapter**, adopt rules under IC 4-22-2 for the coordination and administration of the caretaker support program.
- (2) Administer any money for the caretaker support program that is appropriated by the general assembly.

SECTION 2. IC 12-10.5-1-9 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) **Before finally adopting a rule under IC 4-22-2 to implement this chapter, the division shall consult with and fully consider any comments submitted by:**

- (1) caretakers providing care for a special needs individual under this chapter;
- (2) individuals with special needs receiving care from a caretaker under this chapter;
- (3) area agencies on aging;
- (4) consumers and providers of home and community based

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services under IC 12-10-10 and IC 12-10-11.5; and
 (5) any other agency, volunteer group, faith based group, or individual that the division considers appropriate;
 to ensure that the rule complies with the requirements set forth in subsection (b).

(b) Rules adopted under this chapter must:

(1) include protections for the rights, safety, and welfare of individuals with special needs receiving care from a caretaker under this chapter, including reasonable monitoring and reporting requirements;

(2) serve distinct populations, including:

(A) the aged;

(B) persons with developmental disabilities; and

(C) persons with physical disabilities;

in a manner that recognizes, and appropriately responds to, the particular needs of the population;

(3) not create barriers to the availability of home and community based services under IC 12-10-10 and IC 12-10-11.5 by imposing costly or unduly burdensome requirements on caretakers or other service providers, including:

(A) requirements for proof of financial responsibility; and

(B) monitoring, enforcement, reporting, or other administrative requirements; and

(4) otherwise comply with IC 12-10-10, IC 12-10-11.5, and this chapter.

(c) Before submitting a rule adopted under this chapter to the attorney general for final approval under IC 4-22-2-31, the division shall submit to the publisher (as defined in IC 4-22-2-3(f)) for publication in the Indiana Register the division's written response under IC 4-22-2-23 to any comments received from the parties described in subsection (a).

SECTION 3. IC 12-10.5-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. **Subject to section 3 of this chapter**, the division may adopt rules under IC 4-22-2 necessary to carry out this chapter.

SECTION 4. IC 12-10.5-2-3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) **Before finally adopting a rule under IC 4-22-2 to implement this chapter**, the division shall consult with and fully consider any comments submitted by:

(1) continuum of care providers providing care under this

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chapter;
 (2) individuals receiving care under this chapter;
 (3) area agencies on aging;
 (4) consumers and providers of home and community based services under IC 12-10-10 and IC 12-10-11.5; and
 (5) any other agency, volunteer group, faith based group, or individual that the division considers appropriate;
 to ensure that the rule complies with the requirements set forth in subsection (b).

(b) Rules adopted under this chapter must:

- (1) include protections for the rights, safety, and welfare of individuals receiving care under this chapter;
- (2) serve distinct populations, including:
 - (A) the aged;
 - (B) persons with developmental disabilities; and
 - (C) persons with physical disabilities;

in a manner that recognizes, and appropriately responds to, the particular needs of the population;

- (3) not create barriers to the availability of home and community based services under IC 12-10-10 and IC 12-10-11.5 by imposing costly or unduly burdensome requirements on continuum of care providers or other service providers, including:

- (A) requirements for proof of financial responsibility; and
 - (B) monitoring, enforcement, reporting, or other administrative requirements; and

- (4) otherwise comply with IC 12-10-10, IC 12-10-11.5, and this chapter.

(c) Before submitting a rule adopted under this chapter to the attorney general for final approval under IC 4-22-2-31, the division shall submit to the publisher (as defined in IC 4-22-2-3(f)) for publication in the Indiana Register the division's written response under IC 4-22-2-23 to any comments received from the parties described in subsection (a).

SECTION 5. [EFFECTIVE UPON PASSAGE] 460 IAC 1.1 is void. The publisher of the Indiana Administrative Code and Indiana Register shall remove this article from the Indiana Administrative Code.

SECTION 6. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "committee" refers to the administrative rules oversight committee established by IC 2-5-18-4.

(b) As used in this SECTION, "division" refers to the division

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of disability, aging, and rehabilitative services established by IC 12-9-1-1.

(c) The division shall adopt rules under IC 4-22-2 to implement IC 12-10.5-1 and IC 12-10.5-2, both as amended by this act, not later than January 1, 2006.

(d) Not later than September 1, 2005, the division shall report to the committee on the division's progress in adopting the rules described in subsection (c).

(e) This SECTION expires January 1, 2007.

SECTION 7. An emergency is declared for this act.

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Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Approved: _____

Governor of the State of Indiana

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